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Docket: MLI-10

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On June 22, 2004

By: Kathleen Hansen

Signature: *Kathleen Hansen*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor:	Michael D. Ries et al.)	
)	Art Unit
Serial No.:	10/763,314)	
)	
Filed:	01/22/2004)	
)	
For:	Femoral Hip Prosthesis and Method)	
	of Implantation)	

MS: MISSING PARTS
Commissioner for patents
P.O Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS OF
NON-PROVISIONAL APPLICATION

Sir:

In response to the Notice to File Missing Parts of Non-Provisional Application
mailed June 22, 2004, please find enclosed herewith the following items for filing in the
United States Patent and Trademark Office in connection with the above-identified patent
application:

Copy of the Notice of Missing Parts
Transmittal 1 page in duplicate
Fee Transmittal 1 page in duplicate
Check for \$ 105.00
Declaration 4 pages
Power of Attorney 4 pages
Assignment and Recordation 7 pages
Information Disclosure Statement 2 pages
Information Disclosure Citation 13 pages
Post Card
Certificate of Deposit

Please address all future correspondence in connection with this case to the attention of the undersigned.

DATED this 22nd day of June 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Justin', written over a horizontal line.

DANIEL F. JUSTIN
Attorney for Application
Registration No. 50144
180 South 600 West
Logan, UT 84321
Phone: (435) 753-7675
Fax : (435) 753 - 7698



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

37

Application Number

10/763,314

Filing Date

01/22/2004

First Named Inventor

Michael D. Ries

Art Unit

3738

Examiner Name

Attorney Docket Number

MLI-10

ENCLOSURES (Check all that apply)

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance communication to Technology Center (TC) |
| <input checked="" type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input checked="" type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | <input type="checkbox"/> Remarks | |
| <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | Assignment and Recordation | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Daniel F. Justin
Signature	
Date	6/22/04

CERTIFICATE OF TRANSMISSION/MAILING


I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Kathleen Hasnsen
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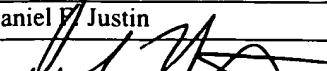
Signature		Date	6/22/04
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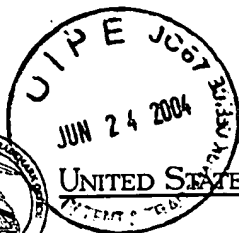
This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FEE TRANSMITTAL For FY 2003 		Complete if Known		
		Application Number	10/763,314	
		Filing Date	1/22/2004	
		First named Inventor	Michael Ries	
<input checked="" type="checkbox"/> Applicant claims small entity status.		Examiner Name		
TOTAL AMOUNT OF PAYMENT (\$)		105.00	Attorney Docket No.	MLI-10

Method of Payment		Fee Calculation (Continued)																																																																																																																																																																																															
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input type="checkbox"/> Deposit Account: <div style="border: 1px solid black; height: 20px; width: 200px; margin: 5px 0;"></div> <div style="border: 1px solid black; height: 20px; width: 200px; margin: 5px 0;"></div> <p>The Commissioner is authorized to: (Check all that apply)</p> <input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Code</th> <th>Fee (\$)</th> <th>Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge - late filing fee or oath.</td> <td>\$65.00</td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet.</td> <td></td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification.</td> <td></td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>For filing a request for <i>ex parte</i> reexamination.</td> <td></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action.</td> <td></td> </tr> <tr> <td>1805</td> <td>1,840</td> <td>1805</td> <td>1,840</td> <td>Requesting publication of SIR after Examiner action.</td> <td></td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>55</td> <td>Extension for reply within first month.</td> <td></td> </tr> <tr> <td>1252</td> <td>420</td> <td>2252</td> <td>210</td> <td>Extension for reply within second month.</td> <td></td> </tr> <tr> <td>1253</td> <td>950</td> <td>2253</td> <td>475</td> <td>Extension for reply within third month.</td> <td></td> </tr> <tr> <td>1254</td> <td>1,480</td> <td>2254</td> <td>740</td> <td>Extension for reply within forth month.</td> <td></td> </tr> <tr> <td>1255</td> <td>2,010</td> <td>2255</td> <td>1,005</td> <td>Extension for reply within fifth month.</td> <td></td> </tr> <tr> <td>1401</td> <td>330</td> <td>2401</td> <td>165</td> <td>Notice of Appeal.</td> <td></td> </tr> <tr> <td>1402</td> <td>330</td> <td>2402</td> <td>165</td> <td>Filing a brief in support of an appeal.</td> <td></td> </tr> <tr> <td>1403</td> <td>290</td> <td>2403</td> <td>145</td> <td>Request for oral hearing.</td> <td></td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>1451</td> <td>1,510</td> <td>Petition to institute a public use proceeding.</td> <td></td> </tr> <tr> <td>1452</td> <td>110</td> <td>2452</td> <td>55</td> <td>Petition to revive - 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SUBMITTED BY:			
Name	Daniel F Justin	Registration No.	50,144
Signature		Date	6/22/04
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/763,314	01/22/2004	Michael D. Ries	MLI-10

CONFIRMATION NO. 6544

FORMALITIES LETTER



OC000000012512186

Daniel F. Justin
 180 South
 600 West
 Logan, UT 84321

Date Mailed: 05/03/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
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*A copy of this notice **MUST** be returned with the reply.*

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